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Nov. 3

CONCORD, N.H.

Dr. Milton C. Bulcy
Commissioner of Education
State House Annex

Dear Dr. Bulcy:

You have inquired as to whether or not the Littleton School Board has authority to lease one of its vacant school properties. It is my opinion that the School Board in the absence of prior authorization by the School District has no authority to lease school property.

Revised Laws, chapter 153, section 3 provides that school districts may build, purchase, rent, repair or remove school houses and outbuildings, and, nowhere in the law is the School Board given power to buy, sell or rent school property.

The School Board under the provisions of Revised Laws, chapter 141, section 22 may permit the use of a school house for purposes other than school purposes. However, this section contemplates a temporary use, such as an evening meeting of P.T.A. or similar organizations and would not authorize a long-term rental.

If such rental were authorized by the District, the Board, as officers of the District, would execute any necessary lease, but in the absence of authorization, would have no authority to rent school property.

Very truly yours,

Henry Hewst, Jr.,
Assistant Attorney General

HD:RM